

Why has The Venus Project the term RBE trademarked? 10 Months, 4 Weeks ago

I know that a lot of people ask this question, and I had some questions myself too, so what did was to just ask Roxanne about it. Roxanne explained to me all my questions and in addition she gave me a small article/response on this very question that this thread has.

***Why has The Venus Project the term RBE trademarked?***

On top of that Roxanne gave me permission to publish it as well so I didn't think of any reason why I should not.

This text is written by Roxanne & Jacque

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The reason The Venus Project is trade-marking the term Resource-based Economy is Jacque Fresco has been working on this system most of his 93 years. This is an integrated system to provide for humanity holistically which includes all aspects of human need. He has been working toward a resource-based economy in order to do away with the major aberrations of war, poverty, hunger, etc.

Jacque Fresco coined the term Resource-based Economy which is the foundation that provides the parameters for social design. Throughout the years, people have taken The Venus Project's pictures, designs, architecture, language, and the name Resource-based Economy, to raise funds claiming to build a Resource-based Economy without collaborating with us in any way. They usurp the name, some of the procedures, and models, but use their own interpretation of a Resource-based Economy.

After examining their interpretations closely, we feel the procedures they suggest will not work. The Venus Project cannot take responsibility for other interpretations of our work. Others use the name Resource-based Economy, but interpret it in their own way and then raise funds for a different direction. Riding on the coat tails of Fresco's work. This is detrimental to our efforts to raise funds for building a new city or making a major motion picture about our aims.

We'd prefer not to trademark, but our predatory society encourages people to capitalize on the efforts of others.

The reason we trademark the name Resource-based Economy is so that the integrity of our direction is maintained. We would not mind people using the term Resource-based Economy and our photos if they consulted and worked with us, and if their efforts promoted

the true direction of a Resource-based Economy as proposed by The Venus Project.

Many different groups usurping our name and material for their own purposes, bastardizes our social designs and architecture. If you wish to know more about the proposals of The Venus Project and a Resource-based Economy, please review:

[The Venus Project](#)

[The Zeitgeist Movement](#)

[The Venus Project Design](#)

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Dear Sir/Madam

I represent the Promethean Workers Association (“the PWA”), a volunteer political association based in the state of California with authorized affiliates in Minneapolis and Michigan.

I am filing a Letter of Protest (“Letter”) objecting to the attempt by Jacque Fresco (“Fresco”) to register as trademark “Resource Based Economy” (standard character mark) in the United States (Application Serial # 77829193).

As contemplated by TMEP §1715.02, we note that this Letter is being timely filed prior to the Trademark Office’s Publication for Opposition of the aforementioned applications.

15 U.S.C. §1052(e)(1) prohibits the registration of marks that are generic. Moreover, the Trademark Manual of Examining Procedure states that generic terms for goods and services are incapable of functioning as registrable trademarks denoting origin or any specific source and that such terms are not registrable on the Principal Register or on the Supplemental Register. See §1209.01(c). The TMEP §1209.01 also warns: “Matter which is generic for the goods or services is not registrable under any circumstances.” Genericness of a term sought to be registered as a trademark is appropriate subject matter for a letter of protest. TMEP §1715.01(a)(1).

The PWA wishes to alert the Trademark Office that the term "Resource Based Economy" is a common vernacular term used in the work of academics and non academics alike within the field of Natural Resource Economics. It appears in literature, and articles published both electronically and physically which understand this term as a generic name for a class of services encompassing association services related to alternative social sustainability and as a more generic term for their analysis in the field of natural resource economics.

Resource Based Economy Is a Standard Term used by other entities and individuals for different

models of social sustainability and design.

Since the development of Natural Resource Economics as part of Environmental and Life Sciences in academia the term Resource Based Economy or with variant Economics has come to be understood as part of this trans disciplinary field of academic research. Further this term has also become the subject of research and development by entities and individual not associated with any academic body or discipline. Fresco's Resource Based Economy is a prominent example of one such model of social sustainability in addition to many others.

The PWA is a Volunteer Political Association of various individuals who are developers of Resource Based Economics. The purpose of which is providing free not for profit association services for alternative social sustainability and design available to all. To that end, the PWA develops and provides products and services that enable members of PWA members to further develop their own intellectual material regarding social applications and designs of a Resource Based Economy.

Moreover PWA enables various of members of academic schools of thought and the general public to develop their own ideas and intellectual materials regarding the Resource Based Economy. In addition there is many electronically published works which define different views of Resource Based Economy. Id. See for example, the following website addressing Resource Based Economy.

[www.theresourcebasedeconomy.com/blog/](http://www.theresourcebasedeconomy.com/blog/)

(Snapshot of website attached here to as Exhibit 1)

The PWA, its members, associates, collaborators, and agents regularly refer to the term Resource Based Economy in connection with the association services they provide. For instance, since 2005 the PWA has been making and distributing its own printed materials discussing social sustainability and design, and more recently has had members going out to schools to setup public display board presentations about "The Resource Based Economy. for college communities in Southern California such as San Diego City College and Southwestern Community College where PWA is also a student organization. Id. See, For examples of display board's used in these specific association services refer to Exhibits 2-7.

References to Resource Based Economy also appear on the PWA website both in the domain/ address and navigation bar. Id. See., for example, the following website showing this

[www.theresourcebasedeconomy.org/](http://www.theresourcebasedeconomy.org/)

(Snapshot of website attached hereto as Exhibit 8)

The Following are examples of Resource Based Economy used as a generic term in natural resource economics.

[en.wikipedia.org/w/index.php?title=Resource\\_Based\\_Economy&redirect=no](http://en.wikipedia.org/w/index.php?title=Resource_Based_Economy&redirect=no)

("Wikipedia" redirects Resource Based Economy to its page on "Natural Resource Economics")

(Snapshot of website attached hereto as Exhibit 9)

[eprints.bbk.ac.uk/219/](http://eprints.bbk.ac.uk/219/)

("the political implications of russia's resource based economy")

(Snapshot of website attached as Exhibit 10)

[www.competition-regulation.org.uk/conference\\_papers/04/robertszalkv3.pdf](http://www.competition-regulation.org.uk/conference_papers/04/robertszalkv3.pdf)

("Addressing market power in a small isolated resource based economy")

(PDF file attached hereto as Exhibit 11)

[www.unece.org/oes/disc\\_papers/ECE\\_DP\\_2005-3.pdf](http://www.unece.org/oes/disc_papers/ECE_DP_2005-3.pdf)

(PDF file attached hereto as Exhibit 19)

The above evidence represents merely a small sample of the widespread and generic use of the term "Resource Based Economy" throughout many circles in terms of natural resource economics.

#### Additional Evidence of Generic Use

Further one may need do only a basic internet search on the term Resource Based Economy to find several examples of its generic use. Additionally i have enclosed copies of a few snapshots from PWA's own website, a flier and a PDF of our printed magazine showing use of the term "Resource Based Economy" on page 5 center column by a member of our organization. Further one may need do only a basic internet search on the term Resource Based Economy to find several examples of its generic use. Administrative Response

In conclusion, Fresco has applied to register "Resource Based Economy" for:  
"Association services, namely, promoting the interests of alternative social sustainability and design"

However, "Resource Based Economy" is but a generic designation of either schools of thought or analysts working within the field of Natural Resource Economics who are both Academics and Non Academic individuals or entities. Therefore the association services themselves are already the common heritage of many researchers in the field of Natural Resource Economics

who already promote the interests of alternative social sustainability and design and therefore cannot be trademarked as the property of one individual.

I respectfully suggest that this Letter of Protest sets forth a *prima facie* basis for refusal of registration of the above-referenced alleged trademarks, such that publication for opposition without consideration of the issues raised herein would constitute clear error by the PTO. Accordingly I ask the Trademark Office to take the enclosed evidence into consideration and urge the denial of registration.

For further information or questions, please do not hesitate to contact me.

Fraternally,  
Elizabeth Edwards – Co-International Organizer, Promethean Workers Association (PWA)

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#### **IMPORTANT UPDATE REGARDING THE TRADEMARKING EFFORTS OF THE VENUS PROJECT OF "RBE"**

**It has been denied as of 11th January 2010, and the venus project have 6 months to provide solid evidence that they should rightly own it. It must be stated that there is the 5% chance they will manage this, but we will see.**

[tmportal.uspto.gov/external/portal/tow?S...o&TEXT=77829193#](http://tmportal.uspto.gov/external/portal/tow?S...o&TEXT=77829193#)

TO AVOID ABANDONMENT, THE OFFICE MUST RECEIVE A PROPER RESPONSE TO THIS OFFICE ACTION WITHIN 6 MONTHS OF THE ISSUE/MAILING DATE.

ISSUE/MAILING DATE: 1/11/2010

The assigned trademark examining attorney has reviewed the referenced application and has determined the following:

NO CONFLICTING REGISTRATIONS

The Office records have been searched and no similar registered or pending mark has been

found that would bar registration under Trademark Act Section 2(d), 15 U.S.C. §1052(d). TMEP §704.02

## THE DESCRIPTION OF SERVICES IS UNACCEPTABLE

The wording of the identification of services is indefinite and must be clarified because it fails to give proper notice as to the specific services for which applicant seeks its service mark. See TMEP §1402.01. Applicant must amend this wording to specify the common commercial or generic name for the services. If there is no common commercial or generic name for the services, then applicant must describe the nature of the services as well as their main purpose, channels of trade, and the intended consumer(s).

Furthermore, “Association services, namely promoting the interests of...” is meant to refer to people, groups of people, professional groups or categories, e.g., bird lovers, gynecologists, librarians, economists, social climbers, endangered novelists, Presbyterian ministers, isolationists, and the like. An “alternative social sustainability and design” would not appear to have any human physiology, anatomy or autonomous mobility, and is most likely not a human being but rather an economic model of some sort.

Applicant must amend the services description to perhaps furthering the interest of the believers, followers, or adherents who favor a resource based socio-economic design or model.

Identifications of services can be amended only to clarify or limit the services; adding to or broadening the scope of the services is not permitted. 37 C.F.R. §2.71(a); see TMEP §§1402.06 et seq., 1402.07. Therefore, applicant may not amend the identification to include services that are not within the scope of the services set forth in the present identification.

For assistance with identifying and classifying services in trademark applications, please see the online searchable Manual of Acceptable Identifications of Goods and Services at [tess2.uspto.gov/netahtml/tidm.html](http://tess2.uspto.gov/netahtml/tidm.html). See TMEP §1402.04.

## THE MARK IS MERELY DESCRIPTIVE

**Registration is refused because the applied-for mark merely describes a quality, characteristic, function, feature, purpose or use of the specified services.** TMEP §1209.01(b); see *In re Steelbuilding.com*, 415 F.3d 1293, 1297, 75 USPQ2d 1420, 1421 (Fed. Cir. 2005); *In re Gyulay*, 820 F.2d 1216, 1217-18, 3 USPQ2d 1009, 1010 (Fed. Cir. 1987).

### Descriptiveness Determined in Relation to Services

The determination of whether a mark is merely descriptive is considered in relation to the identified services, not in the abstract. *In re Abcor Dev. Corp.*, 588 F.2d 811, 814, 200 USPQ 215, 218 (C.C.P.A. 1978); TMEP §1209.01(b); see, e.g., *In re Polo Int'l Inc.*, 51 USPQ2d 1061

(TTAB 1999) (finding DOC in DOC-CONTROL would be understood to refer to the “documents” managed by applicant’s software, not “doctor” as shown in dictionary definition); In re Digital Research Inc., 4 USPQ2d 1242 (TTAB 1987) (finding CONCURRENT PC-DOS merely descriptive of “computer programs recorded on disk” where relevant trade used the denomination “concurrent” as a descriptor of a particular type of operating system). “Whether consumers could guess what the product is from consideration of the mark alone is not the test.” In re Am. Greetings Corp., 226 USPQ 365, 366 (TTAB 1985).

#### Not Necessary to Describe All Attributes of the Services

“A mark may be merely descriptive even if it does not describe the ‘full scope and extent’ of the applicant’s services.” In re Oppedahl & Larson LLP, 373 F.3d 1171, 1173, 71 USPQ2d 1370, 1371 (Fed. Cir. 2004) (citing In re Dial-A-Mattress Operating Corp., 240 F.3d 1341, 1346, 57 USPQ2d 1807, 1812 (Fed. Cir. 2001)); TMEP §1209.01(b). It is enough if the term describes only one significant function, attribute or property. In re Oppedahl, 373 F.3d at 1173, 71 USPQ2d at 1371; TMEP §1209.01(b).

#### First or Only User of Descriptive Term

The fact that an applicant may be one of the first users of a merely descriptive designation is not dispositive on the issue of descriptiveness where, as here, the evidence shows that the word or term is merely descriptive. See In re Sun Microsystems, Inc., 59 USPQ2d 1084, 1087 (TTAB 2001); In re Acuson, 225 USPQ 790, 792 (TTAB 1985); TMEP §1209.03(c).

#### Why Applicant’s Mark is Deemed Merely Descriptive for Applicant’s Services

Applicant seeks to register on the Principal Register the designation, “RESOURCE BASED ECONOMY” for services incorrectly set forth as “Association services, namely, promoting the interests of alternative social sustainability and design.” However, it appears that the proposed mark **“RESOURCE BASED ECONOMY” is a pre-existing phrase in the socio-economic literature discussing economic models, a pre-existing phrase with a fairly widely known meaning.**

What is the plain-language meaning of the phrase? “RESOURCE” is defined in the Merriam-Webster online dictionary, excerpt attached hereto, as follows: “a natural source of wealth or revenue” or “a natural feature or phenomenon that enhances the quality of human life.” “BASE[D]” is defined in the Merriam-Webster online dictionary, excerpt attached hereto, as follows: “to serve as a base for” or “find a basis for.” “ECONOMY” is defined in the Merriam-Webster online dictionary, excerpt attached hereto, as follows: “the structure or conditions of economic life in a country, area or period; also an economic system.”

Thus it would appear, without going beyond the plain-language definitions of the words in the mark that a plausible meaning might be paraphrase as “An economic system based upon

natural wealth phenomena that serves to enhance the quality of human life.”

Reading applicant's specimen of use, entitled “RESOURCE BASED ECONOMY” it further appears that the resources contemplated as a basis for a stellar economy are any and all resources but money, credits, barter “or any other system of debt or servitude.” So the medium of exchange is removed from the economics of human and societal life, thereby setting the stage for existing resources from the land and sea, physical equipment, industrial plants etc. With our access to technology, and an attitude of willingness to share and work, everyone might be able to enjoy a very high standard of living with “all of the amenities of a high technological society.”

A “RESOURCE BASED ECONOMY” is presented as an alternative to a money-based economy.

It describes what may be a socio-economic “movement” or “cause”, as applicant describes it in the services description, an “alternative social sustainability and design.” As such, it appears to be the content of the economic theory, or design or model or system that relies on “resources” other than and rather than money.

Applicant will note the attached evidence that “RESOURCE BASED ECONOMY” is a phrase that's been utilized to describe applicant's alternative moneyless economy by others; a phrase whose meaning is so widely known that there are passionate arguments for and against it all over the Internet. Further there are learned International scholarly papers on the subject, see Ruger Ahrend's “How to Sustain Growth in a Resource Based Economy?” The Main Concepts and their Application to the Russian Case. United Nations Discussion Paper Series No. 2005.3, October 2005. Attached also are a sampling from ten pages of Google “hits” for the phrase “RESOURCE BASED ECONOMY.” The phrase was original to the applicant from about 1969. It was descriptive for his economic model and remains descriptive of it.

Two major reasons for not protecting descriptive marks are (1) to prevent the owner of a descriptive mark from inhibiting competition in the marketplace and (2) to avoid the possibility of costly infringement suits brought by the service mark owner. *In re Abcor Dev. Corp.*, 588 F.2d 811, 813, 200 USPQ 215, 217 (C.C.P.A. 1978); TMEP §1209. Businesses and competitors should be free to use descriptive language when describing their own services to the public in advertising and marketing materials. See *In re Styleclick.com Inc.*, 58 USPQ2d 1523, 1527 (TTAB 2001).

#### THE MARK IDENTIFIES A SYSTEM

**Registration is refused because the applied-for mark, as used on the specimen of record, merely identifies a process or system;** it does not function as a service mark to identify and distinguish applicant's services from those of others and to indicate the source of applicant's services. Trademark Act Sections 1, 2, 3 and 45, 15 U.S.C. §§1051-1053, 1127; see *In re Universal Oil Prods. Co.*, 476 F.2d 653, 655-56, 177 USPQ 456, 457 (C.C.P.A. 1973)

(holding the wording PACOL and PENEX, as used on the specimens, are the names of a direct catalytic dehydrogenation process and a continuous catalytic isomerization process, and do not identify “research, development, evaluation, market and economic studies, consultation, design, engineering, and technical services” performed in connection with the identified processes); TMEP §§904.07(b), 1301.02(e).

A process or system is a way of doing something, and is not generally a service. Thus the name of a process or system does not function as a service mark unless it is also used to indicate the source of the services in the application. *In re Hughes Aircraft Co.*, 222 USPQ 263, 264 (TTAB 1984); TMEP §1301.02(e).

Determining whether matter functions solely as the name of a process or system and also as a service mark is based on the manner in which the applied-for mark is used on the specimen and any other information of record pertaining to use of the mark. *In re Hughes Aircraft*, 222 USPQ at 264; TMEP §1301.02(e). In this case, the specimen shows the applied-for mark used solely to identify a process or system because the specimen so states, as follows: “A Resource-Based Economy is a system in which all goods and services are available without the use of money, credits, barter or any other system of debt or servitude. All resources become the common heritage of all the inhabitants, just a select few. The premise on which this system is based in that the Earth is abundant with plentiful resource; our practice of rationing resources through monetary methods is irrelevant and counter productive to our survival.”

Clearly the author, who is the applicant, considers the “RESOURCE BASED ECONOMY” a system, having so written in defining it.

#### INFORMAL COMMUNICATIONS

The most expeditious way to solve disclaimer or goods or services description issues is by informal E-mail or voicemail. The following personal contact information is for applicant's convenience, for trial runs, discussions or solutions involving examiner's amendments.

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